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Letter dated 12 February 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 21 November 2003 (S/2003/1133). The Counter-Terrorism Committee has received the attached fourth report from Denmark submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 12 February 2004 from the Permanent Representative of Denmark to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In reply to your letter of 12 November 2003, requesting further information about the Danish implementation of Security Council resolution 1373 (2001), I take pleasure in forwarding the enclosed report for circulation as a document of the Security Council (see enclosure).

(*Signed*) Ellen Margrethe **Løj**
Ambassador
Permanent Representative of Denmark to the United Nations

Enclosure*

Denmark

Further information following the supplementary report submitted pursuant to paragraph 6 of Security Council Resolution 1373 (2001)

Introduction

On 27 December 2001 and 8 July 2002 Denmark has submitted reports pursuant to paragraph 6 of Security Council Resolution 1373 (2001) to the Committee established by the Security Council – the Counter Terrorism Committee (CTC). On February 14 2003 Denmark submitted the 3rd report to the CTC. In a letter of 12 November 2003, the CTC has posed a number of further questions to the Danish Government regarding Denmark's fulfilment of UN Security Council Resolution 1373 (2001).

1. Implementation measures

EFFECTIVENESS IN THE PROTECTION OF FINACIAL SYSTEM

Question 1.1

It is stated by Denmark, in its third report, dated 14 February 2003, that the Ministry of Justice and representatives from the Faroe Home Rule have discussed how to ensure full and complete compliance with Resolution 1373 (2001). Could Denmark please apprise the CTC of the progress achieved by the Faroe Islands in this regard and of the steps which have been initiated by the authorities of the Faroe Islands to comply with the Resolution?

As it is stated by Denmark in the previous report, the Ministry of Justice and representatives of the Faroe Home Rule have been discussing how to ensure full and complete compliance with Resolution 1373 (2001). The Danish Government considers this issue a matter of high priority. However, due to ongoing negotiations concerning the possible transfer of the responsibility for police- and administration of justice affairs to the Faroe Home Rule, as well as to the fact that

*Annexes are on file with the Secretariat and are available for consultation.

elections to the Faroese Representative Council have been held on 20 January 2004, the discussions between the Ministry of Justice and the Faroe Home Rule have not yet been completed. The discussions will continue as soon as the new Faroese Representative Council have been formed.

Question 1.2

As regards Greenland, the third report from Denmark states (at page 6) that the Commission on Greenland's Judicial System has been tasked with carrying out a fundamental revision of Greenland's judicial system and to draft a revised version of the Special Criminal Code and the Special Administration of Justice Act applying in Greenland. The CTC would be grateful if Denmark could let it know whether the report of the Commission has been received. The CTC would also be grateful for an outline of the recommendations contained in the Commission's report, which are relevant to the implementation of the Resolution, as well as a timetable for the implementation of the recommendations, which are accepted.

The report from the Commission on Greenland's Judicial System is almost finalized and is expected to be sent out in spring/summer 2004. As it is stated in Denmark's report of 14 February 2003, the Danish Ministry of Justice will examine the revised special Criminal Code when it is available in order to ensure that all requirements in Resolution 1373 (2001) are fully met. An outline of the recommendations contained in the report relevant to the implementation of the Resolution, will be given in connection with future reports to CTC.

Question 1.3

The CTC would be grateful if Denmark could elaborate on the functions of the agencies responsible for enforcing the various legislative provisions which enable Denmark to comply with sub-paragraphs 1(a) to 1 (d) of the Resolution, including an account of the agency entrusted with the task of receiving the reports of suspicious transactions. In particular, please indicate which Danish authority is responsible for ensuring that money transmission services, including informal money or value transfer systems, comply with the provisions of the Resolution.

The Danish Financial Intelligence Unit (FIU) which is part of the office of the Danish Prosecutor for Serious Economic Crime receives suspicious transaction reports (STRs) under the Danish Money Laundering Act (MLA). The assets belonging to the person, company etc. covered by the STR are according to the MLA retained until the Danish Prosecutor for Serious Economic Crime endorses the transaction or seizes the assets. If it is not possible to decide whether it is a case of financing of terrorism the assets will be seized and an investigation will be initiated.

The Danish FIU receives, too, information from other public authorities including the Customs and Tax Authorities and from FIUs in other countries.

All lists with possible names – no matter if the ID information is sufficient or not – are distributed by the FIU to the financial sector through the Bankers' Association (lists from abroad only if the sending agency agrees to the distribution) in order to enable the banks to send STRs on possible identical subjects. In addition all known or possible indicators concerning financing of terrorism are discussed in the internal Money Laundering Group in the Bankers' Association (a group consisting of representatives from the major banks, the Danish Financial Supervisory Authority and the Head of the Danish FIU) and are afterwards distributed to the sector.

The FIU has a close cooperation with the Danish Security Intelligence Service (PET) in order to ensure that all possible important information is known to this service.

The PET in cooperation with the Prosecutor for Serious Economic Crime handles investigation of cases related to the financing of terrorism.

PET uses all the usual tools of an intelligence service in order to monitor and investigate activities in the field of terrorism financing. This includes most importantly the participation in a very close international cooperation on specific cases as well as work into the area of general analysis and the development of new counter-measures on terrorism financing.

The Prosecutor supported by the PET handles the conduction of legal proceedings.

In order to strengthen the overall efforts in the area of terrorism financing, the PET and the Prosecutor have established a project group in order to ensure the coordination of activities identify possible financial networks and fully harmonise all investigations in this area.

The Danish Financial Supervisory Authority is responsible for ensuring that money transmission services provided by credit institutions are in compliance with the provisions of the Resolution. The Danish Commerce and Companies Agency is responsible for ensuring that money transmission services provided by other persons or legal entities that provide a service for the transmission of money are in compliance with the provisions of the Resolution.

Question 1.4

The effective implementation of sub-paragraph 1 (d) would require States to take adequate and appropriate measures to prevent the resources of charities and associations from being diverted to terrorist purposes. As regards this could Denmark please indicate whether a separate agency administers the Public Collections Act and how this agency ensures that that the resources collected by charitable and other associations are not diverted to terrorist purposes? The CTC would also be grateful for an account of the agency's procedures and work methods. How does the agency coordinate with the bodies charged with investigations related to terrorism? Are there procedures in place to respond to requests from other Governments to investigate particular organizations, which are suspected of being linked to terrorism? Could Denmark please provide the CTC with the number of cases, if any, registered against such institutions for their support to organizations linked to terrorism?

The public collection of funds in Denmark is regulated in the Public Collections Act. The act prescribes a monitoring mechanism for the public collection of funds and the use of such funds. Furthermore, the Ministry of Justice has issued an order regarding Public Collections. The order contains provisions regarding the procedure for public collections and the control of the use of collected funds.

The definition of "public collection" is to be found in section 1 (2) of the Public Collections Act. Thus, a collection is public if the request for contribution is addressed to persons who are not personally acquainted with the initiators of the collection, or persons who do not have a special connection with the persons or the institutions for whose benefit the collection is initiated.

According to section 1 (1) of the Public Collections Act the police must be notified before a public collection of funds is initiated.

Section 2 of the order contains provisions, which specify the requirements for the form and the content of the notification to the police. The notification to the police must contain information about the persons or the institutions etc. responsible for the collection. Furthermore, the notification must state the period of time during which the collection will take place as well as the area where the collection will take place. The notification must also include information about the manner in which the collection will be performed and information about the purpose for which the collected funds will be used.

It should be noted that the requirement of notification to the police does not imply issue of an authorization or prior approval of the purpose of the collection. Thus, it is left to the population to decide whether a certain purpose should be supported.

However, public collections can only be arranged in order to support a legal purpose. The notification procedure ensures that the police receives the necessary information about the purpose of the collection and thus will be able to assess the legality of the purpose.

Collected funds can only be used for purposes different than those stated in the notification to the police if the Ministry of Justice gives permission, cf. section 4 (2) of the order.

Proper accounts of all profits and expenses in relation to the collection must be kept, cf. section 5 (1) of the order. The accounts must be revised by a state-authorized public accountant or by a registered accountant. The administrative expenses and the use of the profits must be specified in the accounts. The accountant must control whether the necessary documentation is provided.

Furthermore, the accounts must be published within 6 months after the conclusion of the collection in one or several of the most widespread newspapers in the area, where the collection has taken place. If the collected amount does not exceed 10.000 DKK it is sufficient to publish

an announcement stating that the accounts are available to the public for a period of at least 14 days at a certain place, cf. section 6 (1) of the order.

Additionally, the order prescribes that a copy of the accounts and a notice stating when and where the publication of the accounts will take place must be sent to the police, cf. section 7.

A breach of the provisions in the act and the order is punishable.

The provisions concerning financing of terrorism in the Criminal Code and in the Money Laundering Act are of course also applicable.

The Danish Financial Intelligence Unit, which is part of the office of the Danish Public Prosecutor for Serious Economic Crime, deals with requests from abroad concerning financing of terrorism, including requests concerning organisations or use of funds.

Based on suspicious transaction reports under the Money Laundering Act and information received from the police or other sources, the Danish Financial Intelligence Unit analyses information concerning collections or possible collections. As a result of this the Danish Public Prosecutor for Serious Economic Crime is investigating one case concerning collections in Denmark and the use of the collected funds abroad.

Question 1.5

For the effective implementation of sub-paragraph 1 (a), has Denmark developed any special strategy to effectively prevent resources from being transferred to terrorists? (For example, by the "over-invoicing" of imports and the "under-invoicing" of exports.)

If the Anti Fraud Unit receives information on the transfer of money to organizations that are known or believed to be transferring funds to terrorist organizations, the Anti Fraud Unit immediately informs the Danish Security Intelligence Service (PET).

Question 1.6

With reference to the implementation of sub-paragraph 3(d) could Denmark please provide the CTC with an outline of its policy if any, for sharing relevant information, concerning suspicious transactions or other matters pertaining to the financing of terrorism, with other States?

The FIU shares relevant information concerning financing of terrorism with other FIUs or law enforcement agencies abroad either in order to receive further information or if the information might be of interest to the other country. All information is shared with the Danish Security Intelligence Service and can be distributed by that service as well.

Question 1.7

Could Denmark supply the CTC with information relating to the matters, set out immediately below, for the period 1 January 2001 till 31 December 2002:

a) The number of arrests of terrorists or their supporters;

During the reference period the Danish authorities have not arrested any persons for carrying out terrorist activities or for assisting in such activities.

A Danish citizen was taken into custody by American forces in Afghanistan during the period in question.

b) The value of funds and assets frozen in relation to individuals and entities notified by the Security Council, other International organizations, Denmark and other States;

Some funds have been seized for a while until further investigation showed that it was not a case of financing of terrorism.

One investigation is still ongoing. An account with app. 550.000 DKK (November 2003) has been seized. The use of another account into which later collections are being paid is restricted based on an agreement, which means that the Danish Prosecutor for Serious Economic Crime has to endorse the use of the money. This endorsement will only be given if the distribution of the money is to approve charities where there is no risk of all or part of it being used for financing of terrorism.

Seizure takes place within the framework of the Danish Administration of Justice Act which allows seizure in all cases with possible financing of terrorism whether the names are included in official lists or not. Freezing under the EU regulations is a duty for whoever holds the assets (whether they are already seized or not) and has to be reported to the Danish National Agency for Enterprise and Housing.

According to the EU's Regulations on terrorism Nos. 2580/2001 and 881/2002 Administered by the National Agency for Enterprise and Housing under the Ministry for Economic and Business Affairs Denmark has not frozen any funds or assets belonging to individuals and entities during the period 1 January 2001 till 31 December 2002.

In this regard the CTC would appreciate it if Denmark could indicate whether it has the authority to freeze the assets of terrorists and terrorist organizations which are not included in lists produced by the United Nations Security Council (pursuant to resolutions 1267, 1333 and 1390) and/or covered by the relevant European Union Regulations? Please outline the legal provisions and procedures in force in Denmark to proscribe foreign terrorist organizations. How long does it take to proscribe a terrorist organization at the request of another State?

1. The Administration of Justice Act contains general provisions on seizure, which, under certain conditions, apply in connection with criminal investigations, including investigations concerning terrorist acts.

Assets can be seized in connection with criminal investigations regardless of whether the names of the persons and organisations in question are included in official lists. On the other hand, seizure cannot take place if there is no connection to concrete criminal investigations.

The Anti-Terrorism Act from June 2002 contained an amendment to section 77 a of the Criminal Code to make it possible to carry out confiscation of money and other property (and not just "objects"), which it is feared will be applied to commit crimes. This amendment was partly an implementation of the International Convention for the Suppression of the Financing of Terrorism and UN Security Council resolution No. 1373 (2001). Furthermore, the Act contained an amendment to sections 802 and 803 of the Danish Administration of Justice Act on seizure to make it possible to seize money and other property (and not just objects) for the purpose of confiscation under section 77 a of the Criminal Code. This amendment was necessary as a consequence of the extension of section 77 a of the Criminal Code.

Pursuant to section 801 of the Administration of Justice Act, seizure can take place in order to secure evidence, to secure the claim of the State for costs, confiscation and fine, to secure the claim of the victim for restoration or compensation, or when the defendant has absconded from further prosecution of the case.

Section 802, Subsections 1 to 3, of the Administration of Justice Act is worded as follows:

"Objects, of which a suspect has possession, can be seized if

1) The individual, on reasonable grounds, is suspected of an offence, which is indictable by the State, and there is reason to believe that the object can serve as evidence or should be confiscated, cf. however Subsection 2, or, by the offence, has been purloined from somebody, who can claim it back.

2) Property which is owned by a suspect, can be seized, if

1) the individual, on reasonable grounds, is suspected of an offence, which is indictable by the State, and seizure is found necessary to secure the claim of the State for costs, claim for confiscation pursuant to the Criminal Code Section 75, Subsection 1, 1st period, 2nd part, and 2nd period, and Subsection 3; Section 76 a, Subsection 5; and Section 77 a, 2nd period, claim for fine or claim of the victim for compensation in the case.

3) Seizure of all or a part of the property of a suspect, including property, which the subject may acquire in the future, can take place, if

> Indictment has been filed for an offence, which under the law can result in imprisonment for one year and six months or more, and the defendant has absconded from further prosecution of the case."

Pursuant to section 803, objects, of which a person, who is not a suspect, has possession, can be seized as part of the investigation of an offence, which is indictable by the State, if there is reason to presume that the object can serve as evidence, should be confiscated or by the offence has been purloined from somebody who can claim it back. Further, other property, including money, of which a person, who is not a suspect, has possession, can be seized as part of the investigation of an offence, which is indictable by the State, if there is reason to presume that this property should be confiscated.

2. The right to freedom of association follows from Article 78 of the Danish Constitution. The English translation of Article 78 provides the following:

"78. (1) the citizens shall be entitled without previous permission to form associations for any lawful purpose.
(2) Associations employing violence, or aiming at attaining their object by violence, by instigation to violence, or by similar punishable influence on people of other views, shall be dissolved by judgment.
(3) No association shall be dissolved by any government measure. However, an association may be temporarily prohibited, provided that proceedings are immediately taken against it for its dissolution.
(4) Cases relating to the dissolution of political associations may without special permission be brought before the highest court of justice of the Realm.
(5) The legal effects of the dissolution shall be determined by Statute."

Article 78 of the Danish Constitution precludes the State from introducing rules, which require associations to obtain permission from the public authorities prior to their formation. This is a prohibition against subjecting associations to censorship.

It follows from Article 78 (2) of the Danish Constitution that associations (including terrorist organisations) employing violence, or aiming at attaining their object by violence, by instigation to violence, or by similar punishable influence on people of other views, shall be dissolved by judgment. Furthermore, associations (including terrorist organisations) that have been formed or later operate towards other unlawful purposes may be dissolved.

In the legal literature concerning Article 78, it is traditionally assumed that Article 78 is applicable both in relation to Danish Citizens and foreign citizens with residence in Denmark.

Many aspects are relevant when assessing whether an association has an unlawful purpose and the assessment goes beyond a mere study of the regulations of a given association. Also associations with a purpose, which in itself is legal, will be considered illegal, if the association works through illegal means, including terrorist acts.

Associations cannot be dissolved by an act of the government. Dissolution can be done by judgment. The Danish Administration of Justice Act, Article 684 (1), no. 2, prescribes that the cases concerning dissolution of associations are dealt with by the rules of criminal procedure.

Article 78 (3) provides that an association – including a terrorist organisation – may be temporarily prohibited by the government, provided that proceedings are immediately taken against the prohibited association for its dissolution.

In practice there has not been any cases of dissolution of terrorist organisations in Denmark. Consequently, it is not possible to provide empirical data on how long it would take to proscribe a terrorist organisation.

Article 78 (4) provides that any case relation to the dissolution of a political association may be brought before the Supreme Court in Denmark.

The legal consequences of the dissolution of an association are determined in the Danish Criminal Code. It follows from Article 132 a that persons who take part in the continued activities of an association or join such an association after that association has been temporarily prohibited by the government or has been dissolved by judgment, shall be liable to punishment. Article 75 (5) provides that when an association is dissolved by judgment, its capital, documents, protocols etc. may be confiscated.

Question 1.8

Please explain the rules for identifying persons or entities:
- which maintain a bank account;
- or on whose behalf a bank account is maintained (i.e. beneficial owners);
- who are the beneficiaries of transactions conducted by professional intermediaries; and
- who are connected with a financial transaction.

Does Denmark impose identification obligations on persons, who operate trusts? Are such persons obliged to obtain information about the trustees, settlers/grantors and beneficiaries of any trusts with which they are involved? Please outline the procedures, which Denmark has put in place to enable foreign law enforcement agencies, or other counter-terrorist entities, to obtain such information in cases where terrorism is suspected.

According to section 4.-(1) of The Danish Act on measures to prevent money laundering and financing of terrorism (The Act on Money Laundering), credit institutions (banks) shall demand that their customers provide proof of identity when establishing business relationships with them, including the opening of an account or a safe custody. The proof of identity shall comprise name, address, national registration number (CPR number) or business registration number (CVR number) or similar documentation if the person in question does not have a CPR number or a CVR number.

The credit institution is not obliged to require information about the beneficial owner of a legal entity (i.e. the natural person who ultimately owns or controls the legal entity) according to the Act on Money Laundering. This means that it is sufficient proof of identity when a legal entity identifies itself by stating its name, address and business registration number. However, The Danish Bankers Association has issued guidelines regarding the identification of customers. These guidelines advise the credit institutions to require an abstract from The Danish Commerce and Companies Agency comprising information about the names of the board of directors, the board of management and the authority to sign for the company.

Regarding the rules of identifying persons or entities who are beneficiaries of transactions conducted by professional intermediaries, it is not allowed in Denmark to rely on intermediaries to introduce business. Furthermore section 6 of The Danish Act on Money Laundering provides that a credit institution who knows or suspects that a transaction is carried out on behalf of a third party shall demand to be informed of the identity of the third party, cf. section 4.-(1) of this Act.

As to the question regarding the rules for identifying persons or entities who are connected with a financial transaction The Danish Act on Money Laundering provides that transactions carried out without personal contact between sender and intermediary or by an intermediary where the sender does not hold an account shall at all stages of the transaction be accompanied by information about the sender, (proof of identity cf. section 4.-(1)). The intermediary shall ensure that the information about the sender is adequate. On the other hand, the requirements concerning proof of identity in these situations shall not apply to transactions carried out to an account whose holder has already provided proof of identity unless it is suspected that the transaction is associated with money laundering or financing of terrorism.

Regarding the questions concerning trusts, Denmark does not have any trusts.

Question 1.9

With reference to the reply given by Denmark under paragraph 2(f) in its first report (at page 11), could Denmark provide the CTC with an outline of the procedure it has adopted to deal with requests from other member States as

regards investigations pertaining to the financing of terrorism, the supplying of arms, ammunition and explosives and the movement of terrorists.

As mentioned in the reply given by Denmark under paragraph 2(f) in its first report to CTC, there is no specific Danish legislation relating to mutual legal assistance in criminal matters. In all cases where assistance from Denmark is required, the Danish authorities apply national law. This implies that Danish authorities can comply with requests for mutual legal assistance even though no bilateral or multilateral agreement exists between Denmark and the requesting country. This also implies that Danish authorities can comply with a request if the investigative measure(s) covered by the request could be carried out in a similar national case. Therefore, requests are executed in accordance with national law concerning criminal procedure (The Administration of Justice Act) and – if applicable – in accordance with relevant international instruments such as the 1959 Council of Europe Convention on mutual Legal Assistance and Agreements between the Nordic countries.

Danish law enforcement authorities can always provide foreign law enforcement authorities with requested information. In some cases, there can be a restriction on the further use of the information, for example if there is an on-going investigation in Denmark.

As mentioned in the previous reports submitted by Denmark to CTC, the Anti-Terrorism Act of the Ministry of Justice was adopted by Parliament on May 31 2002. The Act contains inter alia improvements of the investigative possibilities of the police on several points.

Regarding the main elements of the Act reference is made to the reply given by Denmark under paragraph 1(a) in the supplementary report to CTC dated 8 July 2002.

The improvements of the investigative possibilities of the police implies a similar improvement of the assistance that Denmark can provide in connection with a request for mutual legal assistance since the Danish authorities can comply with a request if the investigative measure(s) covered by the request could be carried out in a similar national case.

Question 1.10

Effective implementation of 1373-related legislation, covering all aspects of the Resolution, requires States to have in place effective and coordinated executive machinery as well as to create and utilize adequate national and international antiterrorist strategies. In this context, does Denmark's counter-terrorist strategy and/or policy targeting (at the national and/or sub-national level) deal with the following forms or aspects of counter terrorist activities:

- *Criminal investigation and prosecution;*
- *Counter-terrorist intelligence (human and technical);*
- *Special forces operations;*
- *Physical protection of potential terrorist targets;*
- *Strategic analysis and forecasting of emerging threats;*

- Analyses of efficiency of anti-terrorist legislation and relevant amendments;
- Border and immigration controls;

- Control and prevention of the trafficking in drugs, arms, biological and chemical weapons, their precursors and the illicit use of radioactive materials.

If possible, could Denmark outline its legal provisions, administrative procedures and best practices in this regard?

The Danish strategy/emergency plans with regard to the fight against terrorism include all the mentioned operational areas/forms of counter-terrorism measures.

The responsibility for carrying out investigations in the field of terrorism inside Denmark lies with PET (the Danish Civil Security Service), which is a police service that is assisted by other parts of the Danish police force. The rules governing counter terrorism investigations – including criminal investigation (and prosecution), the acquisition of counter-terrorist intelligence and Special Forces operations - are the rules governing all police work in the country contained in the Administration of Justice Act.

Work in the area of physical protection of potential terrorist targets and strategic analysis and forecasting of emerging threats, is carried out in close cooperation with other authorities according to existing rules and procedures. Please refer to question 1.11 for further information.

PET and other authorities continuously monitor existing anti-terrorist/serious crime legislation with a view to putting forward suggestions for additional or improved legal instruments.

Border and immigration controls are carried out in accordance with the rules in the Schengen acquis and carried out in close international cooperation.

Control and prevention of the trafficking in drugs, arms, biological and chemical weapons, their precursors and the illicit use of radioactive materials are carried out in close cooperation between police and customs according to existing rules. Please refer to question 1.11 for further information regarding activities in the area of non-proliferation.

Question 1.11

The CTC would be grateful if Denmark could please provide it with information regarding its counter-terrorist efforts including, inter alia, an outline of any targeted programs; a list of the agencies involved, and a description of any mechanism aimed at ensuring inter agency coordination in relation to the various areas specified in paragraph 2 and 3 of the Resolution. The CTC is particularly interested in the following areas:
- recruitment to terrorist groups;
- links between criminal activity (in particular, drug trafficking) and terrorism;

- preventing the establishment of terrorist safe havens and any other forms of passive or active support for terrorists or terrorist groups. This last category includes, but is not restricted to: logistical support for terrorists (including the use of computer technology), "apologia" for terrorism and incitement to terrorism, maintenance of contacts with and between terrorist organizations, terrorist groups and individual terrorists; denying terrorists or terrorist groups access, by any means, to CBN materials.

In 2003 PET established a counter-terrorism contact group consisting of a wide range of Danish authorities whose work and areas of competence are relevant to the overall efforts within the area of counter-terrorism (the armed forces, emergency management authorities, maritime and aviation authorities, IT and telecommunication authorities, railway and road authorities, food and health authorities, and energy and financial authorities).

The object of this group is to meet regularly to discuss topics of common interest and to agree on additional issues, where joint coordinated products can be prepared.

It is the intention that in 2004 the contact group will be supplemented with yet another counter-terrorism contact group aimed specifically at the private sector.

The establishment of the contact groups should be seen as an expression of the fact that PET is increasing its cooperation with various authorities, institutions, companies and organisations in order to create efficient partnerships. The aim of this cooperation is to ensure purpose and a well-founded basis for PET's risk assessments, to streamline its products so they meet with the actual needs of these partners and to assist with the propagation of these assessments.

Through the so-called awareness programme PET has, furthermore, carried out a targeted effort towards universities and higher educational institutions with app. 20 visits to these institutions. The purpose of these visits is to provide the educational institutions with information and guidance, particularly within the area of non-proliferation, but other areas of a security related nature have also been dealt with, including a general briefing on issues concerning extremist and fundamentalist networks within student circles.

In addition, there are more traditional efforts within the area of non-proliferation. Here, PET is working together with the business community to prevent the uncontrolled proliferation of products, which might be used in connection with the manufacturing of weapons of mass destruction. PET has also had a well-functioning cooperation with the individual companies on the issue of export control for many years, and it makes a number of annual visits, which are both informative and preventive, to companies whose products or know-how can be used for manufacturing weapons of mass destruction.

Furthermore, a dialogue-based forum with representatives from the ethnic minorities has been established. The aim of this initiative is, in particular, to build up trust and establish some form of

cooperation between PET and the ethnic minorities. This has, among other things, resulted in a pamphlet in seven languages concerning the financing of terrorism.

Within the CBRN area a formalised cooperation between the police, the armed forces and the emergency and health authorities has been established to counter any possible biological or chemical attacks. This cooperation is to guarantee a flexible and effective cooperation between the local police and the central emergency and health authorities. It will also ensure that the best possible intelligence can be used as basis for the preparation of risk assessments related to the use of weapons of mass destruction.

This must be seen in the same context as the efforts made within the area of protective security, which PET plans to intensify in 2004.

The purpose of the work within this area is to provide the best possible protection for those parts of society, which are considered to be crucial in order to keep the country up and running, e.g. oil/gas, electricity, telecommunication, banking/financing, water supply, and transportation. The idea is to carry out an in-depth examination of these areas in order to identify all installations, which are particularly important, and then provide the owners/operators with a regular supply of threat assessments, which deal with their specific area of interest, and to act as adviser, when it comes to the protection of the installations in question. It is, furthermore, the intention to identify all critical/important installations within a number of other areas, particularly companies and other institutions working with materials which can be used in a CBRN related context, so that such installations can be protected against terror related misuse in the best way possible.

Within the area of the financing of terrorism the investigation has been strengthened through the establishment of a close and formalised cooperation between PET and the Public Prosecutor for Serious Economic Crime. In this connection one of the initiatives has been to start up a project organisation in order to map possible terror financial networks and to ensure national harmonisation of the investigation of cases involving the financing of terrorism.

Question 1.12

In the context of the effective implementation of sub-paragraph 2 (e), please indicate which special investigative techniques can be used in Denmark in cases of terrorism (e.g. undercover operations; controlled delivery; "pseudo-purchases" or other "pseudo-offences"; anonymous informants; cross-border pursuits, the electronic bugging of private or public premises and etc.). Please explain the legal conditions, which apply to their use. Please indicate whether these techniques may:

- *only be applied against suspects;*
- *only be applied if approved by a court.*

Please also indicate the time-period during which these techniques may be used. Could Denmark also indicate whether these techniques may be used in cooperation with another State.

The legal framework governing the use of special investigation techniques (SITs) in Denmark is primary the Administration of Justice Act.

Denmark is, however, party to a wide range of international conventions and agreements concerning the fight against terrorism, mutual assistance in criminal matters, etc., where the use of special investigation techniques is described. Some of these investigation techniques are not specifically defined or mentioned in the Administration of Justice Act, but are regulated in government orders, departmental circular etc., in accordance with chapter 67 – general rules of investigation.

According to the Administration of Justice Act, the practice concerning special investigation techniques laid down in accordance with the general rules on investigation in government orders etc., and by the courts, the following SITs can be used:

1) Undercover operation

An undercover operation is a method of investigation where substantial information and evidence is gathered over a period of time, involving the use of lawful measures by law enforcement and by using undercover agents to obtain such information and evidence.

Undercover operations are not defined or regulated specifically in the Administration of Justice Act, whereas the use of agents (undercover agents) is strictly regulated, see the description below under 2).

2) Agents

According to section 754 a of the Administration of Justice Act, the police may not, as part of the investigation of an offence, prompt that assistance is offered or measures are taken with the purpose of inciting someone to commit or continue an offence, unless:
1) A reasonable suspicion is present that the offence is about to be committed or attempted,
2) the investigation measure is presumed to be of crucial importance for the investigation, and
3) The investigation concerns an offence that under the law can be punished by imprisonment for six years or more, or a violation of the criminal code sections 286, subsection 1 (theft of a particularly aggravated nature) or 289, 2nd period (smuggling of a particularly serious nature).

The measures mentioned in section 754 a must not cause an aggravation of the extent or seriousness of the offence, and the measures may only be conducted by police officers, cf. section 754 b. However, civil persons may, as agreed with the police, give assistance to carry out or to

continue the offence, which is investigated, if the assistance given is very modest in comparison with the offence.

The measures are implemented following a court order. The court order shall state the specific circumstances of the case upon which it bases its view that the conditions for the implementation of the measures are fulfilled. The court order can at any time be reversed, cf. section 754 c, subsection 1 and 2.

In case the purpose of the measures would be forfeited if the court order were to be awaited, the police can make the decision of implementing the measures. In that case the police shall as soon as possible, and at the latest within 24 hours from the initiation of the measures, bring the case before the court, cf. section 754 c, subsection 3.

3) Informants

The concept "informant" is not defined and the uses of informants are not regulated in the Administration of Justice Act. However, it is possible for the police to use informants in accordance with the general rules of investigation in the Administration of Justice Act.

According to the practice in relation to investigation techniques, an informant is defined as a person, often anonymous and from a criminal environment, who passes on information on planned offences to the police or provides the police with general information about the activities in a special group or environment. The informant cannot actively take part in the offences.

4) Controlled delivery

The concept "controlled delivery" is not defined, and the use of controlled delivery is not regulated in the Administration of Justice Act. According to the practice on investigation techniques laid down by the courts, the use of controlled delivery is nevertheless possible in accordance with the general rules on investigation in the Administration of Justice Act and the general rules contained in government orders.

According to section 754 a, subsection 2, the police may take steps to instigate someone to carry out or continue an offence without being subjected to the rules on the use of agents, if the police does not thereby affect essential circumstances of the offence.

5) Observation

According to section 791 a, the police can photograph or observe by means of binoculars or other devices persons who are at a place not freely accessible (observation), if:

1) The measure must be presumed to be of significant importance for the investigation, and
2) The investigation concerns an offence, which under the law can result in imprisonment.

Observation as mentioned above by means of a remote-controlled or automatically functioning television camera, photographic camera or similar device may, however, only be conducted if the investigation concerns an offence, which under the law can result in imprisonment for one year and six months or more, cf. subsection 2.

Observation of persons, who are in a residence or other dwelling, by means of remote-controlled or automatically functioning television camera, photographic camera or similar device or by means of a device, which is employed in the residence or the dwelling, may however, only be conducted, if certain conditions are fulfilled, cf. subsection 3.

Observation must not be conducted if - considering the purpose of the measure, the significance of the case, and the offence and inconvenience, which the measure is presumed to cause the concerned person or persons - it would be a disproportional measure, cf. subsection 5.

As stated above, Denmark is party to various international conventions and agreements. According to some of these conventions, for example section 40 in the Schengen-Convention, it is possible to follow a person under observation into another country – cross-border observation - when special conditions are fulfilled.

It should, however, be mentioned that Denmark, while ratifying the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, has entered a reservation to article 17 (cross-border observation).

6) Interception of communications, electronic surveillance and bugging

According to the provisions in chapter 71 in the Administration of Justice Act, the police may intervene in the secrecy of communications by:
1) Intercepting telephone conversations or similar telecommunications (telephone interception)
2) Intercepting of other conversations or statements by means of a device (other interception)
3) Obtaining information about which telephones or other similar communication devices are connected with a certain telephone or other communication device although the owner thereof has not granted permission (tele-information)
4) Obtaining information about which telephones or other similar communication devices within a specific area are connected to other telephones or communication devices (expanded tele-information)
5) Withholding, opening, and becoming informed of the contents of letters, telegrams, and other mail deliveries (letter opening), and

6) Stopping the forwarding of mail as mentioned in no. 5 (letter stopping), cf. section 780, subsection 1.

Invasion of the secrecy of communication may only be conducted if there are specific reasons to presume that messages are given or mail is delivered by the means in question to or from a suspect, the investigation is presumed to be of crucial importance for the investigation, and the investigation concerns an offence, which under the law can result in imprisonment for six years or more, or a specific offence mentioned in section 781, subsection 1, no. 3.

An invasion of the secrecy of communication takes place according to a court order. The court order shall state the telephone numbers, locations, addresses or mail deliveries, which the measure concerns. The court order lays down the period of time within which the measure can be implemented. This time period shall be as short as possible and must not exceed four week. The period can be extended, but at the most by four weeks at a time, cf. section 783, subsection 1 and 2.

In case the purpose of the measure would be forfeited if a court order were to be awaited, the police can make the decision of implementing the measure. In that case the police shall as soon as possible, and at the latest within 24 hours from the initiation of the measure, bring the case before the court, cf. section 783, subsection 3.

Mail enterprises and providers of telecommunications networks or services shall assist the police in implementing invasions in the secrecy of communication, including by establishing interception of telephone conversations etc., by giving the information on tele-information and expanded tele-information referred to above and by withholding and surrendering consignments and mail, etc. to the police, cf. section 786, subsection 1.

According to section 786, subsection 4, the providers of telecommunications network or services shall record and store traffic data ("log") for one year for the purpose of investigation and prosecution of criminal offences. The recording and storage only concern traffic data and not the actual contents of the communication. Furthermore, only the companies have a duty to record and store the traffic data in question. This provision has not yet entered into force.

Moreover, the section includes rules on the access for the police to the nation-wide directory inquiry service, which contains name and address data concerning all telephone subscribers listed by name in Denmark, including unlisted telephone numbers, regardless of the subscriber's telecommunications provider.

The Anti-Terrorism Act of June 2002 inserted a new provision in the Administration of Justice Act. According to section 791 b, the police can in cases of very serious offences obtain a court warrant allowing them to capture data in an information system not available to the public by

means of software or other equipment (data capture) without being present at the location where the information system (i.e., a computer or another data system) is being used. This provision makes it possible for the police to use the so-called "sniffer programs" that provides the police with a copy of all data input by the data system user.

In June 2003 the provision of data capture was extended, making it possible for the police to use data capture after a court order in all cases, when the investigation concerns an offence that under the law can be punished by imprisonment for six years or more, a violation of the provisions on offences against the independence and safety of the state and offences against the constitution and the supreme authorities of the state, or a violation of the Criminal Code section 286, subsection 1 (theft of a particularly aggravated nature), and section 289 (smuggling of a particularly serious nature).

7) Searches

According to section 793 in the Administration of Justice Act, the police can conduct searches of:
Residences or other dwelling, documents, papers and similar, as well as the contents of locked objects, and
Other objects as well as premises other than dwellings.

The law does not regulate searches of premises or objects, which are freely accessible to the police.

Searches of dwellings, other premises or objects, of which a suspect has possession, can only be conducted if:
The individual on reasonable grounds is suspected of an offence, which is indictable by the state, and
The search must be presumed to be of significant importance for the investigation.

As for searches of the kinds mentioned in section 793, subsection 1, no. 1, it is furthermore required that the case concerns an offence which under the law can result in imprisonment, or that there are specific reasons to presume that evidence in the case or objects which can be seized can be found by the search.

According to section 796, subsection 1, a decision of search concerning the objects or premises mentioned in section 793, subsection 1, no. 2, of which a suspect has possession, is made by the police.

A decision of search in other situations is made by court order, unless the individual grants a written consent to the search being conducted, or the search is in connection with the detection

or report of an offence and a search of the scene of the crime is to be conducted. In these cases the police can also make the decision.

The court order must state the specific circumstances of the case upon which it bases its view that the conditions for the measures are fulfilled. The court order can at any time be reversed.

A search must not be conducted if, considering the purpose of the measures, the significance of the case, and the offence and inconvenience, which the measure can be presumed to cause, it would be a disproportional measure. Furthermore, it shall be taken into consideration if the search involves destruction or damages of objects, cf. section 797.

If it is of crucial importance for the investigation that the search is conducted without the knowledge of the suspect or others, the court can in special cases make a decision in the form of a court order to this effect. This, however, does not apply to searches of dwellings, other premises or objects in the disposal of somebody who, pursuant to section 170 is excluded from or who, pursuant to section 172 is exempted from testifying as a witness in the case, cf. section 799.

In June 2002 (by the The Anti-Terrorism Act), section 799 was amended so that the court can allow the police, with only one warrant, to carry out several individual searches without immediate notification (repeated secret searches) within a period not exceeding four weeks. This may be necessary where, for example, no drugs or weapons were found at the first search, but where it is still suspected that delivery on the location in question will take place within a short time, or where a search had to be interrupted owing to the risk of discovery of the investigation. The court has to fix the number of searches in connection with the search warrant. In special cases the court may decide, however, that the police may carry out an indeterminate number of searches within the specified period (not exceeding four weeks).

8) Cross-border (hot pursuits)

The concept "cross-border-pursuits" is not defined and the use of cross-border-pursuits is not regulated in the Administration of Justice Act. However, as stated above Denmark is party to the Schengen-Convention, and according to section 41 in the Schengen-Convention, it is possible to follow a person into another country when special conditions are fulfilled.

In accordance with the Schengen-Convention, Denmark has made special agreements on police cooperation in the border district with Sweden and Germany.

The investigative methods mentioned above generally also apply to investigations concerning those crimes which PET investigates, e.g. crimes related to the planning or carrying out of acts of terrorism. However, the use of agents in connection with such investigations is exempted from the general rules and is not regulated in law. This provides for the possibility of deploying so-

called agents as a link in the chain of investigations. Furthermore, PET can keep material gathered during an investigation concerning counter-terrorism as long as it is deemed relevant without court authorisation even though the investigation does not turn into a criminal case.

Before undertaking intrusive measures the specific measure is laid before the court for a priori authorisation. A specially appointed defence lawyer views the case and has the opportunity to comment on the use of the measure prior to the court's decision to authorise the measure in question.

EFFECTIVENESS OF CUSTOMS, IMMIGRATION AND BORDER CONTROLS

Question 1.13

The CTC would be grateful for an outline of the procedure, if any, which Denmark has established for supplying advance information concerning international cargo and passengers to its relevant authorities and to those of other States to enable them to screen for prohibited cargo and suspected terrorists before disembarkation.

In Denmark customs are waiting for the outcome of the negotiations between The EC and The US concerning CSI.

In its capacity as a national security service, PET is part of a close cooperation with the Danish aviation authorities, which means that these authorities receive threat assessments from PET on a regular basis. These assessments are then used for defining the general emergency plans for the airports.

If PET is in possession of information concerning arriving passengers or cargo, which forms the basis of an actual suspicion of terror related activities, it will notify the Danish aviation authorities and other relevant authorities.

If terror related individuals or cargo are about to leave Denmark – and the decision not to intercept before departure is the most appropriate course of action – PET will, furthermore, notify the relevant authorities in the destination country.

A similar cooperation with the maritime authorities is under development.

With regard to the control of persons at the Danish borders, according to Danish immigration legislation, it is possible for the police – in specific cases – to order pilots to forward a list of passengers and crew prior to the arrival of the plane.

Question 1.14

Could Denmark please provide the CTC with an outline of the legislative provisions regarding the granting of citizenship and other civic rights in Denmark? Can a foreigner, who is granted citizenship or other civic rights in Denmark, change his or her name? What precautions are taken to establish the true identity of a person before new identity papers are issued?

1. Acquisition and loss of Danish citizenship

Summary of the rules on the acquisition and loss of Danish nationality

1.1. Different ways of acquiring Danish nationality

In short, there are 5 different ways to acquire Danish nationality: by birth, subsequent marriage of parents, adoption, declaration, and by parliamentary act (naturalisation).

Pursuant to section 44 of the Danish Constitution, no alien can acquire Danish nationality other than by act of parliament. Naturalisation is therefore the exclusive prerogative of the legislature. However, Parliament can decide by statute that Danish nationality can be acquired when certain precise conditions are complied with. Consequently, an alien can acquire Danish nationality either directly by parliamentary act or by complying with the conditions laid down in the Act on Danish Nationality (Consolidated Act no. 113 of 20 February 2003).

1.1.2. By birth

A child is a natural-born Danish national if born to a Danish father or a Danish mother. Where the child's parents are not married and only the father is a Danish national, the child will only acquire Danish nationality if born within Denmark, cf. article 1 in the Act on Danish Nationality.

1.1.3. By the subsequent marriage of parents

Where a child of a Danish father and an alien mother has not acquired Danish nationality at birth, the child will acquire Danish nationality through the subsequent marriage of the parents. It is a condition that the child is unmarried and under 18 years of age at the time of the marriage, cf. article 2 in the Act on Danish Nationality.

1.1.4. By adoption

An alien child, under 12 years of age, adopted through a Danish adoption order will become a Danish national by the adoption if the child is adopted by a married couple where at least one of the spouses is a Danish national, or by an unmarried Danish national, cf. article 2 A in the Act on Danish Nationality.

1.1.5. By declaration

An alien who is unpunished and has not been sentenced to measures pursuant to Part 9 of the Criminal Code and who has lived in Denmark for an aggregate period of not less than ten years, of which an aggregate period of not less than five years within the last six years, will acquire Danish nationality after attaining the age of 18, but before attaining the age of 23, by making a declaration to that effect to a county governor, the Prefect of Copenhagen, the High Commissioner of the Faroe Islands or the High Commissioner of Greenland, cf. article 3 in the Act on Danish Nationality.

Special rules apply to persons who earlier were resident in another Nordic country or have nationality in another Nordic country.

1.1.6. By parliamentary act

Danish nationality may also be acquired by parliamentary act (naturalisation). Naturalisation bills will be introduced twice a year by the Minister for Refugee, Immigration and Integration Affairs.

The conditions for naturalisation are listed in Circular Letter no. 55 of 12 June 2002 on New Guidelines for Listing in a Naturalisation Bill. In summary, the conditions for naturalisation are as follows:

The applicant must have been issued with a permanent resident permit for Denmark and must be resident in Denmark, cf. article 5 of the circular letter.

Furthermore, the applicant must have had residence in Denmark for at least 9 consecutive years. However, a stateless person or a refugee can be listed in a naturalisation bill after only 8 consecutive years of residence and nationals from the Nordic countries need only 2 consecutive years of residence, cf. article 7 of the circular letter. Where an applicant has been married to a Danish national for at least 3 years the circular letter requires only 6 consecutive years of residence in Denmark, cf. article 8 of the circular letter.

Applicants who have been sentenced to permanent expulsion or sentenced to a custodial punishment of 2 years or more cannot be listed in a naturalisation bill, cf. article 19 (1) of the circular letter. Larger fines and custodial and suspended sentences will to some extent prevent naturalisation by entailing a waiting period for a certain number of years depending on the type of punishment, cf. article 19 (2) of the circular letter.

Overdue debt to public authorities will also to some extent prevent naturalisation, cf. article 22 of the circular letter.

Furthermore, an applicant is required to document skills in the Danish language and knowledge of the Danish society, Danish culture and history, cf. article 25 of the circular letter.

As a rule, an applicant must have reached the age of 18. Therefore children can, in general, only acquire Danish nationality when they are comprised by an application for Danish nationality by one of their parents, cf. article 18 of the circular letter. Among other exceptions and in accordance with the 1989 UN Convention on the Rights of the Child, children who were born stateless in Denmark may be listed in a naturalisation bill if they are resident in Denmark.

Finally, an applicant is required to renounce his or her present nationality unless the present nationality is lost automatically by naturalisation. This does not apply to refugees or in cases where release from the present nationality is either legally or de facto impossible, cf. article 4 of the circular letter.

Applicants for Danish nationality by naturalisation are required to pay a fee in the amount of DKK 1.000,- when lodging the application with the local police, cf. article 12 (1) in the Act on Danish Nationality.

1.2. Reacquisition of Danish nationality

A natural-born Danish national who was resident in Denmark until attaining the age of 18 and who subsequently lost his or her nationality may recover it by submitting a written declaration to that effect to the relevant authorities provided he or she has lived in Denmark during the last two years preceding the declaration. If the person in question holds a foreign nationality, he or she can only make a declaration if it is proved that this will cause the loss of his or her foreign nationality. For the purposes of the above, residence in another Nordic country until attaining the age of 12 is equivalent to residence in Denmark.

Any person who has lost his Danish nationality and has subsequently remained a national of a Nordic country will recover his or her Danish nationality by, after having taken up permanent residence in Denmark, submitting a written declaration to that effect to the relevant authorities.

1.3. Children

Where a person acquires Danish nationality by submitting a declaration or by parliamentary act, the Danish nationality comprises the child, including adopted child, of the person concerned unless otherwise expressly specified. It is a condition for a child to acquire Danish nationality that the declarant shares custody of the child and that the child is unmarried, under the age of 18 and lives in Denmark. For an adopted child it is, furthermore, a condition that the adoption is valid under Danish law.

1.4. Loss of Danish nationality

Any Danish national will lose that status if he acquires a foreign nationality upon application, by express consent or by taking up a position with the public service of another country. Moreover, a Danish national who is born abroad and has never lived in Denmark nor stayed there under conditions indicating some association with Denmark will lose his or her Danish nationality on attaining the age of 22. This does not apply, however, should the person thereby become stateless. For the purposes of the above, residence in a Nordic country for an aggregate period of not less than 7 years is equivalent to residence in Denmark.

1.5. Release from Danish nationality

A person who is or who desires to become a national of a foreign country may be released from his or her Danish nationality. In the case of a person desiring to become a national of a foreign country, release will be granted on the condition that the applicant acquires foreign nationality within a certain time limit. A person being a foreign national and permanently resident in a foreign country cannot be denied release from his or her Danish nationality.

2. The change of a person's name

2.1. The change of a person's name is regulated in Act no. 193 of 29 April 1981 on personal names with subsequent amendments (Lov om personnavne).

In accordance with Danish private international law, the act applies to persons who are domiciled in Denmark.

Thus, a foreigner may, regardless of Danish citizenship or other civic rights, change his or her name in accordance with the mentioned Act, provided that the person in question is domiciled in Denmark.

2.2. According to section 6 of the Danish Passport Order, applicants for a Danish passport must submit their application in person to the issuing authorities. At the same time the applicant must present the last issued passport if any.

Furthermore, the applicant must present an original certificate of baptism, name certificate or birth certificate. However, this documentation is not necessary if the applicant enclose a passport issued after 1st October 1949 from which the applicant's identity clearly appears.

Does the applicant's civil registration number not appear clearly from the last issued passport, the original certificate of baptism, name certificate or birth certificate, the applicant must pre-sent an

identification paper issued by a public authority from which the applicant's civil registration number clearly appears.

In exceptional circumstances the police may deviate from the abovementioned requirements concerning documentation for the applicant's identity provided that the applicant in another and sufficiently secure way can establish his identity.

If the police does not know the applicant and the applicant's identity does not appear from a passport issued after 1st October 1949, the applicant is obliged on demand to establish his identity by producing for example an ID-card from a bank, a driving licence, military papers or a medical card, cf. section 7 of the Passport Order.

If the name used by the applicant does not appear from the last issued passport, the original certificate of baptism, name certificate or birth certificate, the applicant is obliged on demand to document a change of name by producing a marriage certificate, name certificate or an application addressed to marriage authority or the national registration office.

Finally, the police can, if necessary, demand documentation for the applicant's Danish citizenship, cf. section 8 of the Passport Order.

EFFECTIVENESS OF CONTROLS PREVENTING ACCES TO WEAPONS BY TERRORIST

Question 1.15

Sub-paragraph 2 (a) of the Resolution requires each Member State, inter alia, to have in place appropriate mechanisms to deny access to weapons to terrorists. In this context the CTC would appreciate it if Denmark could provide an outline of the steps which it has taken or which it propose taking in regard to:

a) *The ratification and implementation of the United Nations Convention against Trans-national Organized Crime and the supplementary Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition;*

Denmark has ratified the United Nations Convention against Trans-National Organised Crime on 30th September 2003.

Denmark has not yet ratified the Protocol against the illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition or adopted legislation in order to implement the protocol. However, to a great extend the Danish weapon legislation already complies with the requirements laid down in the Protocol.

Furthermore, a bill, which aims to implement the Protocol as regards transportation of weapons between States parties is planned to be introduced in February 2004.

b) The implementation of the Recommendations of the World Customs Organization (WCO) concerning the above mentioned Protocol;

In Denmark the recommendations have been implemented through the Weapons Act that is demanding a permit for the importation and exportation of fire arms including a requirement that these permits have to be shown and stamped by the customs authorities as the goods are leaving or entering Denmark.

If in connection with importation it is mentioned that the goods in question is a weapon the electronic customs system will demand a permit. If such a permit is not presented the imported weapons will not be released.

It is an integrated element in the controls that is frequently carried out by the customs authorities that if weapons are found the necessary permits are produced upon request.

c) The use of electronic reporting and the promotion of the security of the supply chain as provided for in the General Annex to the revised WCO Kyoto Convention, as well as the standards of World Custom Organization;

Denmark uses WCO's Customs Enforcement Network (CEN). CEN is an Information, analysis and communication system for the fight against Customs offences and it supports and enhances Customs fight against Transnational Organized Crime.

d) The implementation of the Programme of Action (adopted by the UN Conference to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons).

The Weapons and Explosives Act and the Act on War Materiel are the legal basis for the control over the production and transfer of weapons.

Section 10 of the Weapons and Explosives Act and section 42 of the Order on Weapons and Ammunition establish illegal manufacture, import, export, acquisition, possession, carrying, use and trade of weapons and explosives as criminal offences. The sanctions may vary from fines to imprisonment up to two years. In cases concerning exceedingly dangerous weapons the sanctions may rise to imprisonment up to six years, cf. section 192 (a) in the Danish Penal Code.

According to section 114(1) of the Criminal Code any persons is liable to imprisonment for any term up to life imprisonment if he commits serious violations of sections 10(2) of the Act on Weapons and Explosives with the intent of committing an act of terror. The same shall apply to any person who transports weapons or explosives with the said intent, cf. section 114(2) of the Criminal Code.

Section 15 of the Act on War Materiel establishes illegal production of war materiel as a criminal offence. The sanctions may vary from fines to imprisonment for not more than one year.

It is not established as a criminal offence to be in possession of weapons without a license.

Question 1.16

The CTG is aware that Denmark may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of Denmark's response to these matters as well as details of any efforts to implement international best practice, codes and standards which are relevant to the implementation of resolution 1373.

Denmark has not submitted any reports or questionnaires as the above mentioned.

2. Assistance and guidance

The CTC wishes to emphasize once more the importance it attaches to the provision of assistance and advice in connection with the implementation of Resolution 1373.

Question 2.

The CTC notes with appreciation that the Government of Denmark has indicated in its report that it is prepared to provide assistance to other States in connection with the implementation of the Resolution. The information submitted by Denmark has been posted on the CTC's Directory of Assistance (www.un.org/sc/ctc). Furthermore, the CTC would encourage Denmark to inform the CTC of assistance it is currently providing to other States in connection with the implementation of the Resolution.

Recognising the role of development cooperation in combating international terrorism and implementing the Resolution, Denmark has increased its support for the fight against terrorism in relation to developing countries. As one of the first donor countries, Denmark has developed a set of guiding principles governing the Danish effort in this area. Based on experience gained in 2003, Denmark has earmarked a total of DKK 145 million for new anti-terrorism efforts in the period 2004-2006, including DKK 35 million to assisting selected developing countries in connection with the implementation of the Resolution and to strengthening the work of the

CTC. Denmark is currently conferring with the CTC as to which countries the assistance should be provided to.

The Danish Ministry of Refugee, Immigration and Integration Affairs is currently seconding a Danish migration expert to a mission to the Philippines launched under the European Commission's Rapid Reaction Mechanism: Policy Advice in the Field of Border Management, Implementation of UNSCR 1373 in the Philippines.

The overall objective of the mission is to contribute to the efforts of the Philippine authorities to implement UNSCR 1373. The specific objective of the mission is to strengthen institutional capacity within the Philippine authorities in particular by identifying needs for training, equipment and technical assistance in order to combat terrorism, especially in the field of border management.